App. F. IX-4

Previous References.

1941. (Legis)

File No. 2-41

Serial Nos. 30

Later References.

W.P. 5-44-103

(11)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. one

Part B for Sept '41

SUBJECT.

Delegation of certain powers to the Government of India in relation to the Hindustan Aircraft Ltd

C. G. Vijayaraghavan
18.10.41

485
W.

Delegation of powers under 51 C of the Defence of India Rules

eneral and Revenue Secretariat
R. A. & L. C.

Legs File No. 2 47/41 of 1947. [App. F. III-2

Serial No.

Flag N

1) Rule 51 C of the Defence of India Rules, as applied to Mysore, empowers the Government to require the owner of a factory or mine, or persons employed therein or resident near the factory or mine to take such action as may be specified, in order to secure the safety of persons or property in the event of hostile attack.

DEWAN'S OFFICE
13. SEP. 1941
NO. 2175

Flag 1

2) In regard to the Hindustan Aircraft factory the Government of India have entrusted to undertake the responsibility for ARP schemes & have delegated powers to them under this rule.

3) A draft notification delegating the powers in respect of the factory in question is put up for Consideration.

SECY. LAW DEPT.
12 SEP. 1941
GOVT OF MYSORE

12.9.41

Law Secy).

4) May be approved.

Minister) Hm 12/9/41.
(In date.)

OFFICE OF THE MINISTER FOR LAW
SEP 13 1941
No. 2178

5) If approved, the necessary Order to this effect may be issued, after which the Legislative Department may be informed accordingly.

Dewan) 13.9.41

Hm 13/9/41

6) Issued. N.P. 1195.

Hm 15/9/41

Issued
16.9.41

NOTE—Contn. Sheet. 30

WD 01925 GPB—1,000—4-3-41

Delhi Police Powers under Rule 57 (2) of the Defence of India

File No. Rules. 217/RL of 194

General and Revenue Secretariat
R. A. & L. C.

Serial No.

Issued Notification No P1185. Dept 2-41-30 dated 16th September 1941 to be Complete.

The Notification has been published at page 483 of Part IV of the Gazette of the 18th September 1941

Reference ~~Secretary~~ Minister's Minute at para 5 above. A D F N is put up.

23.9.41

Law Secy)

D.F.N. submitted

Minister)

F.N. signed by Minister.

24/9.

Hon. 24/9/41.

OFFICE OF THE MINISTER FOR LAW
SEP 25 1941
No. 2956

DEWAN'S OFFICE
25. SEP. 1941
NO.

Final Note by the Minister for Law.

Subject.—

Delegation of certain powers to the Government of India in relation to the Hindustan Aircraft Limited.

During the correspondence between the Residency and this Government on the question of fire protection and protection of personnel in factories under the Air Raid Precautions Scheme, the question of the Hindustan Aircraft Limited, Bangalore, came up for consideration. The Residency intimated that this factory has been included in the list of category "A" factories, that is, included in the list of factories which by virtue of their importance required the advice of certain military authorities who have been deputed by the Government of India to draw up and execute comprehensive schemes for fire fighting. This Government thereupon suggested that they would have no objection if the Government of India undertook the responsibility for the preparation and execution of Air Raid Precautions fire protection schemes in respect of this factory. The Residency in reply have intimated that the Government of India are prepared to assume this responsibility and have asked for powers equivalent to those under rule 51(c) of the Defence of India Rules for this purpose.

A notification has accordingly been issued under the Defence of India Act as applied to Mysore to the effect that the powers exercisable by this Government under rule 51(c) of the rule shall also be exercisable by the Government of India in respect of the Hindustan Aircraft Factory.

The papers are submitted for the gracious perusal of His Highness.

Camp: Mysore,
25th September 1941.

MINISTER FOR LAW.

Submitted to His Highness.

I submit herewith a Final Note by the Minister for Law on the subject of the delegation of certain powers to the Government of India in relation to the Hindustan Aircraft Limited, for His Highness's gracious perusal.

N. Madhava Rau

DEWAN.

Mysore,
25th September 1941.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Delegation of certain powers to the Government of India in relation to the Hindustan Aircraft Limited.

Order.

VRN.
30/9/41

NO.247

8/10/41

General and Revenue

Secretariat.

C 30

SUBJECT:—

Delegation of certain powers to the Govt of India in relation to the Hindustan Aircraft Ltd

(*)

31. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Ministers for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after, to the Chief Secretary for circulation to the Ministers.

34. In all other cases, the files will first be circulated to the Ministers at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Council of Ministers for perusal of His Highness' orders ~~before/after issue of orders~~. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.) (*)

Chief Secretary to Government.

Through the Secretary to Government,

.....Department.

2103
8-10-41

Minister for Finance and Revenue.

3411
8/10/41

Minister for Law. 8-10-41

2190
9.10.41

Minister for Education. 10.10.41

2184
10-10-41

Minister for Local Self-Govt. and Public Health. 12.10.41

War Section.

NOTE.—Contn. sheet

WD 02878—GPB—300—26-6-41

13/10/41

13.10.41

(2) The Central Government may by order require any person or class of persons employed in or in connexion with, or resident within three miles of, any mine or factory, or class of mines or factories, or any local authority within whose jurisdiction any mine or factory is situated, to take, within such period as may be specified in the Order, such measures as may be so specified, being measures the taking of which is in the opinion of the Central Government necessary to secure the due functioning of such mine or factory, or class of mines or factories, and the safety of persons or property therein or in the vicinity thereof, in the event of hostile attack.

(3) Any person authorised in this behalf by the Central Government may at any time—

(*a*) enter and inspect any factory or mine for the purpose of ascertaining what measures have been or ought to be, taken to secure the due functioning of the mine or factory, and the safety of persons and property therein and in the vicinity thereof, in the event of hostile attack, or

(*b*) enter and inspect any premises belonging to or occupied by any person or authority to whom an order made under sub-rule (1) or sub-rule (2) relates for the purpose of seeing whether the order has been complied with.

(4) If in the opinion of the Central Government any person or authority who has been ordered under sub-rule(1)or sub rule(2) to take any measures has failed to take, or is unlikely to complete, the measures within the period specified in the order, then, without prejudice to any other proceedings which may be taken in respect of the contravention of the order, the Central Government may cause the said measures to be taken or completed and the cost thereof shall be recoverable ~~from such person or authority~~ by the Collector as if it were an arrear of land revenue. x x y (a, below)

(5) If any person contravenes any of the provision of an order made under this rule, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both,"

A. DeC. Williams,
Secretary to the Government of India.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

New Delhi, the 19*th February* 1941.

No. 713-OR—41.—In exercise of the powers conferred by Section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendments shall be made in the Defence of India Rules, namely :—

In sub-rule (4) of rule 51C of the said rules, the words "from such person or authority" shall be omitted, and after the words "arrear of land revenue," the following shall be added, namely :—

"from such person or authority, or where such person is the manager or agent of a mine or the manager of a factory, from the owner of the mine or, as the case may be, the occupier of the factory."

A. DeC. Williams,
Secretary to the Government of India.

LAW SECRETARIAT.

No. P. 4720—*Legis.* 2-40-67, *dated* 18*th March* 1941.

The following Notifications of the Government of India, Defence Co-ordination Department, are hereby republished for general information.

By Order,
H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

New Delhi, the 15*th February* 1941.

No. 305-OR/39.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendments shall be made in the Defenee of India Rules, namely :—

In the said Rules—

(1) for sub-rule (1) of rule 9, the following sub-rule shall be substituted, namely :—

"(1) Without prejudice to the provisions of any other rule, the Central Government, as respects any prohibited place, and the Central Government or the Provincial Government, as respects—

(a) any place or area declared by it to be a protected place or protected area, or

(b) any other place or area in relation to which it appears to it to be necessary to take special precautions in the interests of the defence of British India, the public safety, the maintenance of public order, the efficient prosecution of war, or the maintenance of supplies and services essential to the life of the community,

may make orders for controlling or regulating the admission of persons to, and the conduct of persons in, and in the vicinity of, such place or area."

(2) after sub-rule (2) of rule 9, the following sub-rules shall be inserted, namely :—

"(2a) An order made under this rule in respect of a prohibited place, protected place or protected area may exempt such place or area from all or any of the provisions of these rules which are expressed to apply to or in relation to a prohibited place, protected place or protected area as the case may be or may direct that all or any of the said provisions shall apply subject to such modifications as may be specified in the order.

(2b) An order made under this rule in respect of a place or area which is not a prohibited place, protected place or protected area may direct that all or any of the provisions of these rules which are expressed to apply to or in relation to a prohibited place, protected place or protected area as the case may be shall apply to or in relation to the place or area in respect of which the order is made either without modification or subject to such modifications as may be specified in the order."

(3) in clause (c) of sub-rule (1) of rule 129, for the words, brackets, letter and figures "protected place, protected area or any such place or area as is referred to in clause (c) of sub-rule (1) of rule 9", the following shall be substituted, namely :—

"protected place or protected area, or any other place or area as respects which an order has been made under rule 9,"

A. deC. Williams,
Secretary to the Government of India.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

New Delhi, the 15*th February* 1941.

No. 542-OR/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely :—

After rule 130 of the said Rules, the following rule shall be inserted, namely :—

"130-A. Special provision regarding bail.—Notwithstanding anything contained in the Code of Criminal Procedure, 1898, no person accused or convicted of a contravention of these Rules shall, if in custody, be released on bail or on his own bond, unless—

(a) the prosecution having given an opportunity to show cause against such release fails to show reasonable cause; and

(b) where the contravention is of any such provision of these Rules as the Central Government may by notified order specify in this behalf, the Court is satisfied that there are reasonable grounds for believing that he is not guilty of such contravention"

A. DeC. Williams,
Secretary to the Government of India.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

New Delhi, the 15th February 1941.

No. 713-OR/41.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely :—

After rule 51 of the said Rules, the following rules shall be inserted, namely :—

'51A. *Watching of premises to detect fire.*—(1) The Central Government or the Provincial Government may by general or special order make provision for requiring that persons shall always be present, or shall be present at such times as may be specified in the order, on premises to which the order applies, and shall perform such duties and have such powers in connexion with the detection and extinction of outbreaks of fire as may be specified in the order.

(2) Any police officer, or any other person authorised in this behalf by the Central Government or the Provincial Government, may at any time enter and inspect any premises to which any order made under sub-rule (1) applies for the purpose of seeing whether the order is being complied with.

(3) If any person contravenes any of the provisions of an order made under this rule, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

51B. *Measures for dealing with outbreaks of fire.*—(1) With a view to preventing the spread, or facilitating the extinction, of fire caused by incendiary bombs, the Central Government or the Povincial Government may by order make provision for requiring rooms or other spaces on premises to which the order applies to be cleared and kept clear of articles which are not affixed to the premises.

(2) Any police officer, or any person authorised in this behalf by the Central Government or the Provincial Government, may at any time enter and inspect any premises to which an order made under sub-rule (1) applies for the purpose of seeing whether the order has been complied with; and if that officer or person finds that the order has not been complied with, he may, without prejudice to any other proceedings which may be taken in respect of the contravention of the order, take such steps and use such force as may appear to him to be reasonably necessary for giving effect to the order.

(3) In the event of any outbreak of fire, any person authorised in this behalf by the Central Government or the Provincial Government, may take or cause to be taken such steps and give such directions as appear to him to be necessary for preventing the spread of fire; and the steps which may be so taken include entering upon any land or other property whatsoever and the destruction or removal of any thing in, on or over any land or property.

(4) If any person contravenes any of the provisions of an order made under this rule, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

51C. *Protection of factories and mines.*—(1) The Central Government may by order require the owner, manager or agent of any mine, or the occupier or manager of any factory—

(*a*) to make, within such period as may be specified in the order, a report in writing stating the measures which he has taken or is taking or proposing to take to secure the due functioning of the mine or factory, and the safety of persons and property therein, and in the vicinity thereof, in the event of hostile attack;

(*b*) to take within such period as may be specified in the order, such measures as may be so specified being measures the taking of which is in the opinion of the Central Government necessary for the purposes aforesaid.

No. P 1185-Leg: 2-41-80

General and Revenue Secretariat,
Bangalore, dated 16th September 1961

In exercise of the powers conferred by sub-section (4) (c) of section 2 of the Defence of India Act, 1939, as applied to Mysore the Government of His Highness the Maharaja are pleased to declare that the powers exercisable by the Government under rule 51C of the Defence of India Rules, as applied to Mysore, in respect of the Vijayanagar Credit Society, Ltd., Bangalore, shall also be exercisable by the Government of India.

By Order,

M. N. Narasaraqavu
Secretary to Government,
for Law Department.

To

The Compiler, Mysore Gazette for publication in Part IV and supplying 100 spare copies immediately

/10-9.

No. P 1185 Legis 2-41-30
dt 16.9.41

NOTIFICATION.

In exercise of the powers conferred by sub-sections (4) (c) ~~and (5)~~ of section 2 of the Defence of India Act, 1939, as applied to Mysore the Government of His Highness the Maharaja are pleased to declare that the powers exercisable by the Government under rule 51C of the Defence of India Rules, as applied to Mysore, in respect of the Hindustan Aircraft Factory, Ltd., Bangalore, shall also be exercisable by the Government of India.

By Order,

12/9/41

Secretary to Govt.,
Law Deptt.

To

The Compiler, Mysore Gazette for publication in Part IV and sending 100 spare copies immediately.

DKR/12-9-41.

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